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RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 14th September, 1957:—

Bill No. VI of 1957

A bill further to amend the Indian Nursing Council Act, 1947.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Nursing Council (Amendment) Act, 1957 Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

48 of 1947. 2. In section 1 of the Indian Nursing Council Act, 1947 (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:— Amendment of section 1.

“(2) It extends to the whole of India except the State of Jammu and Kashmir.”

3. In section 2 of the principal Act,—

(a) in clause (a), for the words “Indian Council of Nursing”, the word “Council” shall be substituted; Amendment of section 2.

(b) clause (e) shall be omitted.

4. In sub-section (1) of section 3 of the principal Act,—

(a) for clause (b), the following clause shall be substituted, namely:— Amendment of section 3.

“(b) two members elected from among themselves by the heads of institutions recognised by the Council for the purpose of this clause in which training is given—

(i) for obtaining a University degree in nursing; or

(ii) in respect of a post-certificate course in the teaching of nursing and in nursing administration;”;

(b) for clause (g), the following clause shall be substituted, namely:—

“(g) one midwife or auxiliary nurse-midwife enrolled in a State register, elected by each of the State Councils in the four groups of States mentioned below, each group of States being taken in rotation in the following order, namely:—

- (i) Kerala, Madhya Pradesh and Uttar Pradesh,
- (ii) Andhra Pradesh, Bihar, Bombay and Rajasthan,
- (iii) Mysore, Punjab and West Bengal,
- (iv) Assam, Madras and Orissa;”;

(c) for clause (l), the following clause shall be substituted, namely:—

“(l) the Chief Administrative Medical Officer (by whatever name called) of each State other than a Union territory, *ex officio*;”;

(d) for clause (m), the following clause shall be substituted, namely:—

“(m) the Superintendent of Nursing Services (by whatever name called), *ex officio*, from each of the States in the two groups mentioned below, each group of States being taken in rotation in the following order, namely:—

- (i) Andhra Pradesh, Assam, Bombay, Madhya Pradesh, Madras, Uttar Pradesh and West Bengal;
- (ii) Bihar, Kerala, Mysore, Orissa, Punjab and Rajasthan;”;

(e) for clause (o), the following clause shall be substituted, namely:—

“(o) three members elected by Parliament, two by the House of the People from among its members and the other by the Council of States from among its members.”.

Amendment
of section 6.

5. Sub-section (6) of section 6 of the Principal Act shall be omitted.

Amendment
of section 10.

6. In section 10 of the principal Act,—

(a) in sub-section (1), after the words “For the purposes of this Act, the qualifications included in”, the words and figure “Part I of” shall be inserted;

(b) in sub-section (2),—

(i) after the words “recognised by the State Government”, the words “in consultation with the State Council, if any,” shall be inserted;

(ii) after the word ‘midwifery’, the words, “auxiliary nursing-midwifery” shall be inserted;

(c) in the second proviso to sub-section (3), for clause (ii), the following clause shall be substituted, namely:—

“(ii) any qualification granted by an authority in a territory of India to which this Act did not extend at the date of its commencement, and recognised on the said date by the State Council of a State to which this Act then extended, shall continue to be a recognised qualification for the purpose of registration in that State.”.

7. (1) Section 11 of the principal Act shall be re-numbered as sub-section (1) thereof, and in clause (b) of sub-section (1) as so re-numbered, after the word “midwife”, the words, “auxiliary nurse-midwife” shall be inserted. as Amendment of section 11.

(2) After sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in clause (b) of sub-section (1)—

(a) a citizen of India holding a qualification which entitles him or her to be registered with any Council of Nursing or Midwifery (by whatever name called) in any foreign country, may, with the approval of the Council, be enrolled in any State register; and where approval has been accorded by the Council in respect of such qualification in one case, the approval of the Council for enrolment in a State register in the case of any other citizen of India holding the same qualification shall not be necessary;

(b) a person not being a citizen of India who is employed as a nurse, midwife, auxiliary nurse-midwife, teacher or administrator in any hospital or institution situated in any State for purposes of teaching, research or charitable work may, with the approval of the President of the Council, be enrolled temporarily in the State register for such period as may be specified in this behalf in the order issued by the said President:

Provided that practice by such person shall be limited to the hospital or institution to which he or she is attached.”.

Amendment of section 13. 8. In sub-section (1) of section 13 of the principal Act, after the words "such number of inspectors", the words ", whether from among members of the Council or otherwise," shall be inserted.

Amendment of section 14. 9. In clause (b) of sub-section (1) of section 14 of the principal Act, after the word "midwives", the words ", auxiliary nurse-midwives" shall be inserted.

Amendment of section 15. 10. Section 15 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) The Central Government shall, from time to time, by notification in the Official Gazette, amend the Schedule so as to bring it into accord with any declaration under section 10 or section 14."

Insertion of new sections 15A and 15B. 11. After section 15 of the principal Act, the following sections shall be inserted, namely: —

Indian Nurses Register.

"15A. (1) The Council shall cause to be maintained in the prescribed manner a register of nurses, midwives, auxiliary nurse-midwives and health visitors to be known as the Indian Nurses Register, which shall contain the names of all persons who are for the time being enrolled on any State register.

(2) It shall be the duty of the Secretary of the Council to keep the Indian Nurses Register in accordance with the provisions of this Act, and from time to time, to revise the register and publish it in the Gazette of India and in such other manner as may be prescribed.

(3) Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872, and may be proved by a copy published in the Gazette of India.

Supply of copies of State registers.

15B. Each State Council shall supply to the Council twenty printed copies of the State register as soon as may be after the 1st day of April of each year and inform the Council without delay of all additions to, and other amendments in, the State register made from time to time."

Amendment of section 16. 12. In sub-section (1) of section 16 of the principal Act, for clause (f), the following clauses shall be substituted, namely:—

"(f) prescribing the tenure of office and the powers and duties of the Secretary and other officers and servants of the Council;

(ff) prescribing the powers and duties of inspectors;"

13. Section 17 of the principal Act shall be omitted.

Omission
of section 17.

14. For the Schedule to the principal Act, the following Schedule shall be substituted, namely:—

Substitution
of new
Schedule for
the Schedu-
le.

“THE SCHEDULE

(See sections 10 and 11)

PART I

Recognised qualifications

A.—General Nursing—

Certificates (including senior and junior certificates), Diplomas or Degrees in Nursing issued by any of the following authorities, namely:—

1. The Examination Board appointed by the Government of Madras.
2. The Bombay Nurses, Midwives and Health Visitors Council.
3. The Bombay Presidency Nursing Association (when issued before the 1st day of January, 1936).
4. The Bengal Nursing Council (when issued before the 15th day of August, 1947).
5. The Uttar Pradesh State Medical Faculty.
6. The Uttar Pradesh Nurses and Midwives Council.
7. The State Board of Medical Examinations, Uttar Pradesh (when issued before the 1st day of January, 1927).
8. (a) The Punjab Nurses Registration Council (when issued before the 15th day of August, 1947 or after the 26th day of January, 1950).
- (b) The East Punjab Nurses Registration Council (when issued before the 26th day of January, 1950).
9. The Bihar Medical Examination Board (when issued before the 1st day of January, 1938).
10. The Bihar Nurses Registration Council.
11. The Madhya Pradesh Medical Examination Board (when issued before the 1st day of April, 1950).
12. The Assam Nurses, Midwives and Health Visitors Council.
13. The Orissa Medical Examination Board.
14. The Mid-India (United) Board of Examiners for Nurses (when issued before the 1st day of January, 1947).

15. The Joint Missionary Board for Examination of Nurses (Marathi area) (when issued before the 1st day of January, 1934).
16. The North-India United Board of Examiners for Mission and other Hospitals (when issued before the 1st day of January, 1940).
17. The Examining Board of the Nurses Auxiliary of the Christian Medical Association of India (South India Branch).
18. The Sind Nurses and Midwives Council (when issued before the 15th day of August, 1947).
19. The West Bengal Nursing Council.
20. The University of Delhi.
21. The University of Madras.
22. The Bengal State Medical Faculty (when issued before the 1st day of January, 1942).
23. The Mid-India Board of Examiners of Nurses Auxiliary of Christian Medical Association of India.
24. The Examination Board of Military Medical Services (when issued before the 18th day of August, 1955).
25. The Armed Forces Medical Services Examination Board.
26. The Madhya Pradesh State Nurses Registration Council.
27. The Board of Examiners appointed by the Government of Mysore.
28. The Board of Examiners appointed by the Government of Hyderabad.
29. The Travancore-Cochin Nurses' and Midwives' Council.
30. The Vidarbha Nurses Registration Council.

B.—Midwifery—

Certificates, Diplomas or Degrees in Midwifery issued by any of the following authorities, namely:—

1. Any of the authorities mentioned in section A except the authority at item No. 17 thereof.
2. The Punjab Central Midwives Board (when issued before the 15th day of August, 1947).
3. The Mid-India (United) Board of Examiners for Midwifery (when issued before the 1st day of January, 1947).

4. The National Association for supplying female medical aid to the women of India (when issued before the 1st day of October, 1949).
5. The North-West Frontier Province Central Midwives Board (when issued before the 15th day of August, 1947).
6. The Kasturba Gandhi National Memorial Trust.
7. The Health Department, Madras (when issued before the 31st day of December, 1952).

C.—Auxiliary Nursing-Midwifery—

Certificates issued by any of the following authorities namely:—

1. Any of the authorities mentioned in section A except items Nos. 3, 4, 7, 9, 11, 14, 15, 16, 18, 20, 21, 22, 24 and 25.
2. The Examination Board appointed by the Himachal Pradesh Administration.

D.—Health Visitors—

Health Visitors Certificates or Diplomas issued by any of the following authorities, namely:—

1. The Government Training School for Health Visitors, Madras.
2. The Sir John Anderson Health School, Calcutta.
3. The Uttar Pradesh State Medical Faculty.
4. The Uttar Pradesh Nurses and Midwives Council.
5. The Government Health School, Nagpur.
6. The Assam Nurses, Midwives and Health Visitors Council.
7. The Lady Reading Health School, Delhi.
8. The Bombay Nurses, Midwives and Health Visitors Council.
9. The Bengal Nursing Council (when issued before the 15th day of August, 1947).
10. The Punjab Health School (when issued before the 15th day of August, 1947).
11. The West Bengal Nursing Council.
12. The Punjab State Medical Faculty.
13. The Bengal State Medical Faculty (when issued before the 1st day of January, 1942).
14. The Bihar Nurses Registration Council.

PART II

Recognised higher qualifications

Name of the authority issuing the qualification	Qualification
1. The Examination Board appointed by the Government of Madras.	1. Diploma in Nursing— Sister Tutor Course. 2. Diploma in Nursing— Nursing Administration Course.
2. College of Nursing, New Delhi.	1. Post-certificate course in Public Health Nursing (when issued before the 31st day of December, 1953). 2. Combined post-certificate course in Teaching and Nursing Administration (when issued before the 31st day of August, 1957). 3. Certificate of Examination in Ward Sisters course. 4. Certificate of Examination in Nursing Administration course. 5. Certificate of Examination in Sister Tutor Course. 6. Certificate of Examination in Midwife Tutor Course.
3. The (Missionary) Christian Medical College, School of Nursing, Vellore.	Diploma in Teaching and Supervision (Sister Tutor Course).
4. The School of Nursing, Christian Medical College, Vellore.	Diploma in Teaching and Supervision (Sister Tutor Course).
5. The Indian Psychiatric Society.	Diploma in Psychiatric Nursing.
6. The All India Institute of Mental Health, Bangalore.	Diploma in Psychiatric Nursing.
7. The All India Institute of Hygiene and Public Health, Calcutta.	Certificate in Public Health Nursing.
8. The Public Health Department, Madras.	Diploma in Public Health Nursing.
9. The Tuberculosis Association of India.	Diploma in Tuberculosis Nursing.

Transition
from existing
constitution
to new
constitution.

15. The Council to be constituted under section 3 of the principal Act as amended by section 4 of this Act, may be constituted at any time after the passing, and before the coming into force, of this Act, but the Council so constituted shall not begin to function till the coming into force of this Act, and on the coming into force of this Act the term of office of the members of the Council then existing shall expire.

STATEMENT OF OBJECTS AND REASONS

The objects with which this Bill seeks to amend the Indian Nursing Council Act, 1947 (48 of 1947), are—

(1) to extend the Act to the whole of India except the State of Jammu and Kashmir;

(2) to make certain changes in the constitution of the Council as now set out in section 3 of the Act, with a view to increase the number of members and in particular—

(i) to provide for the election of two members by the heads of institutions having courses of studies leading to a University degree in nursing or a post-certificate course in teaching and administration, instead of one member by the heads of institutions giving training in nursing administration as at present;

(ii) to provide that Superintendents of Nursing Services in the States which are for this purpose divided into two groups, shall be members *ex officio* of the Council by rotation. At present four State Directors of Public Health of States to which this Act extends, are made members *ex officio* by rotation;

(iii) to increase the number of members to be elected by Parliament from two to three and to allocate two seats to the Lok Sabha and one seat to the Rajya Sabha;

(3) to facilitate the registration of Indian citizens holding foreign qualifications and the temporary registration of foreign nurses who are engaged as nurses or teachers or administrators in hospitals or institutions in India, even though there are no reciprocal arrangements for the recognition of Indian qualifications with the Nurses Registration Councils in the countries where they were trained or registered;

(4) to empower the Central Government to amend the Schedule listing recognised qualifications;

(5) to provide for the maintenance of an All India Register of Nurses.

Opportunity has also been taken to make a few other amendments of a formal or minor character.

FINANCIAL MEMORANDUM

The Indian Nursing Council (Amendment) Bill, 1957, provides for the extension of the existing Act to all the States of India except Jammu and Kashmir. The Indian Nursing Council Act, 1947, applied only to the territories included in Part A and Part C States as they existed prior to the 1st November, 1956. The Indian Nursing Council (Amendment) Bill also provides for the increase in the number of members of the Indian Nursing Council. The expenditure on the travelling and daily allowances of the elected and nominated members is met by the respective State Governments, the Nursing Council of India meeting the travelling and daily allowances of those non-official members whose travelling and daily allowances are not met by the State Governments. It is estimated that the Nursing Council of India will have to incur an additional expenditure of about Rs. 2,000/- per annum on the travelling and daily allowances of the five additional non-official members, viz., three from the new States to which the Act will be extended, one from the heads of institutions giving training in nursing and one from Parliament. This is based on the assumption that the Nursing Council of India will meet twice in a year.

The expenditure on the election of the members of the Nursing Council of India is borne by the State Governments or by the State Nursing Councils. In case, however, the Nursing Councils of the States which were formerly included in Part B States are unable to meet the expenditure from their funds, the Nursing Council of India will have to meet the necessary expenditure. On the assumption that none of these States will bear the expenditure in connection with the holding of the elections, it is estimated that an additional expenditure of about Rs. 2,000/- every five years will have to be incurred in this connection.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Under section 16(1)(f) of the Indian Nursing Council Act, 1947 (48 of 1947), the Indian Nursing Council is empowered to make regulations prescribing the tenure of office and the powers and duties of the Secretary, inspectors, visitors and other officers and servants of the Council. Clause 12 of the Bill amends this section in two respects, namely, (i) the reference to "visitors" is being omitted, as there is no provision in the Act for their appointment, and (ii) the power to make regulations with respect to inspectors is being dealt with in a separate clause in order to make it clear that an inspector need not necessarily be an officer or servant of the Council. No additional power is being conferred by clause 12 on the Council.

Bill No. VII of 1957

A bill to provide for the extension to cantonments of laws relating to the control of rent and regulation of house accommodation.

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This may be called the Cantonments (Extension of Rent Short title. Control Laws) Act, 1957.

2. In this Act, “cantonment” means any place declared to be a Definition.
cantonment under section 3 of the Cantonments Act, 1924.

3. The Central Government may, by notification in the Official Gazette, extend to any cantonment with such restrictions and modifications as it thinks fit, any enactment relating to the control of rent and regulation of house accommodation which is in force on the date of the notification in the State in which the cantonment is situated:

Power to extend to cantonments laws relating to control of rents and regulation of house accommodation

Provided that nothing contained in any enactment so extended shall apply to—

(a) any premises within the cantonment belonging to the Government;

(b) any tenancy or other like relationship created by a grant from the Government in respect of premises within the cantonment taken on lease or requisitioned by the Government; or

(c) any house within the cantonment which is, or may be, appropriated by the Central Government on lease under the Cantonments (House Accommodation) Act, 1923.

6 of 1923.

Extension of
the Madhya
Bharat Accommodation
Control Act,
1955 to the
cantonment
of Mhow.

4. The Madhya Bharat Accommodation Control Act, 1955, as in force in that part of the State of Madhya Pradesh which immediately before the 1st day of November, 1956, formed the State of Madhya Bharat is hereby extended to, and brought into force in, the cantonment of Mhow with the following modifications, namely:—

M. B. Act
23 of 1955.

In the said Act,—

(a) for the words “commencement of this Act” wherever they occur, the words “extension of this Act to the cantonment” shall be substituted;

(b) in section 1, for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely:—

“(2) It extends to the Cantonment of Mhow.

(3) It shall remain in force upto the 31st day of December, 1957; but the Central Government may, by notification in the Official Gazette, direct from time to time that it shall remain in force for such further period as may be specified in the notification so, however, that the total period for which it may remain in force shall not exceed two years from the 31st day of December, 1957.”;

(c) in section 2, in clause (b) of sub-section (1), for the words “a Municipality”, the words “the Cantonment Board” shall be substituted;

(d) in section 3; in clause (e), for the word “Municipal”, the words “Cantonment Board” shall be substituted;

(e) in section 4,—

(i) in clause (g), for the words “city or town concerned”, the word “cantonment” shall be substituted;

(ii) in clause (h), for the words “city or town for that purpose and if he was in occupation, has for sufficient reasons vacated it after the Act has been extended to that city or town”, the words “cantonment for that purpose or if he was in occupation, has for sufficient reasons vacated it after the extension of this Act there-to” shall be substituted;

(f) in section 6,—

(i) in sub-section (1), the words and brackets “situated in the city of Lashkar (including Gwalior and Morar), Indore, Ujjain or Ratlam” shall be omitted;

(ii) sub-section (2) shall be omitted;

(g) in section 14, the words “the provisions of this Act cease to be applicable to any town, or” shall be omitted;

(h) in section 15, after the word “instituted”, the words “or if instituted, continued,” shall be inserted;

(i) in section 18, sub-section (4) shall be omitted;

(j) in section 21, the words “or deemed to have been passed” shall be omitted;

(k) in section 22, the words “or deemed to have been made” shall be omitted;

(l) section 23, section 27 and the Schedule shall be omitted;

(m) in sections 24 and 25, the words “or deemed to have been made” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Under article 246 of the Constitution read with entry 3 of the Union List, power to make laws with respect to rent control in cantonment areas now belongs exclusively to Parliament. Before the Constitution came into force, this power belonged to the Legislatures of the former Provinces and States.

2. Accordingly in Mhow cantonment, rents of premises, their letting and eviction of tenants therefrom were controlled by the Madhya Bharat Accommodation Control Act which had been passed on the 11th January, 1950, and applied to Mhow as from the 6th February, 1950. The Act was due to expire on the 30th June, 1953, but by State Act VI of 1953, its duration was extended up to the 30th June 1955. The Act was however replaced before that date by an Ordinance which in its turn has been replaced by the present Madhya Bharat Accommodation Control Act of 1955. In view of the redistribution of the legislative powers in the Constitution the State Legislature cannot exercise legislative powers after the commencement of the Constitution, over a subject which is included in the Union List. Hence, the Amendment Act of 1953 or the Ordinance promulgated in 1955 was not, nor the present Act is, applicable to the Mhow Cantonment. A large number of eviction cases has been filed by the landlords by taking advantage of the non-existence of any rent control law in the cantonment area.

3. To protect the tenants from improper evictions, Central legislation is, therefore, necessary to provide for the application of the State Act of 1955 to Mhow with necessary modifications.

4. As a situation similar to that in Mhow Cantonment, may arise in other cantonments also, it is proposed to confer powers on the Central Government to extend the relevant rent control laws of any State to the cantonments situated in that State by notification in the Gazette of India.

5. The Bill is designed to achieve the objects mentioned above.

NEW DELHI;

V. K. KRISHNA MENON.

The 19th August, 1957.

FINANCIAL MEMORANDUM

The proposed legislation will enable the Central Government to extend to any cantonment any rent control enactment which is in force in the State in which the cantonment is situated. All that is envisaged, whenever such rent control laws are extended to any cantonment area, is that generally the Rent Controller appointed under the Act in the adjoining civil station will also administer the State Act within the cantonment area.

In so far as the introduction of Madhya Bharat Rent Control Act to Mhow cantonment is concerned, no expenditure is likely to be incurred from the Consolidated Fund of India. In case, in future, State Rent Control Acts are made applicable to cantonment areas the position is not likely to change. However, incurring of some expenditure cannot completely be ruled out. It will be appreciated that it is not possible at this stage to indicate the size of the financial commitment.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 3 of the Bill proposes to confer power on the Central Government to extend to any cantonment any enactment relating to the control of rent and regulation of house accommodation in force in the State in which that cantonment is situated. Powers in relation to control of rent and regulation of house accommodation in cantonment areas are vested exclusively in Parliament. At the same time it is desirable that the law prevailing in a cantonment should be similar to the law in force in the State in which it is situated because the problems and circumstances in the cantonment and in the State in which it is situated are more or less similar. Hence a single enactment for the numerous cantonments situated in various States with divergent types of law relating to rent control and regulation of house accommodation is not desirable. The best course under the circumstances is to empower the Central Government to extend the local rent control laws to the cantonments by notification as in clause 3 of the Bill.

This power, whether considered as a power of delegated legislation or as a power of conditional legislation, is of a normal character.

S. N. MUKERJEE,
Secretary.

